

Debtor **BARRY DRAPER OAKLEY**

United States Bankruptcy Court for the **MIDDLE DISTRICT OF TENNESSEE**

[Bankruptcy district]

☐ Check if this is an amended plan

Case number: _____

Chapter 13 Plan

Part 1: Notices

To Debtor(s): This form sets out options that are appropriate in some cases but not in others. The presence of an option does not indicate that the option is appropriate in your circumstances.

To Creditors: Your rights are affected by this plan. Your claim may be reduced, modified, or eliminated.

If you oppose the treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 5 days before the meeting of creditors or raise an objection on the record at the meeting of creditors. The Bankruptcy Court may confirm this plan without further notice if no timely objection to confirmation is made. In addition, a timely proof of claim must be filed before your claim will be paid under the plan.

Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If an item is not checked as "Included" or if both boxes are checked, the provision will not be effective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in § 3.2, which may result in partial payment or no payment to the secured creditor.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 9.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

Payments made by	Amount of each payment	Frequency of payments	Duration of payments	Method of payment
<input checked="" type="checkbox"/> Debtor 1	\$1,321.75	Monthly	55 months	<input checked="" type="checkbox"/> Debtor will make payment directly to trustee
<input type="checkbox"/> Debtor 2				<input type="checkbox"/> Debtor consents to payroll deduction from:

Insert additional lines as needed.

2.2 Income tax refunds.

Check one.

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows:

2.3 Additional payments.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.3 need not be completed or reproduced.

2.4 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.3 is \$72,696.25.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default. Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☒ Installment payments on the secured claims listed below will be maintained, and any arrearage through the month of

confirmation will be paid in full as stated below. Both the installment payments and the amounts to cure the arrearage will be disbursed by the trustee.

Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the current installment payment and arrearage. After confirmation of the plan, the trustee shall adjust the installment payments below in accordance with any such proof of claim and any Notice of Mortgage Payment Change filed under Rule 3002.1. The trustee shall adjust the plan payment in Part 2 in accordance with any adjustment to an installment payment and shall file a notice of the adjustment and deliver a copy to the debtor, the debtor's attorney, the creditor, and the U.S. Trustee, but if an adjustment is less than \$25 per month, the trustee shall have the discretion to adjust only the installment payment without adjusting the payments under Part 2. The trustee is further authorized to pay any postpetition fee, expense, or charge, notice of which is filed under Bankruptcy Rule 3002.1 and as to which no objection is raised, at the same disbursement level as the arrearage.

Confirmation of this Plan imposes on any claim holder listed below the obligation to:

- Apply arrearage payments received from the trustee only to such arrearages.
- Treat the obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties, or other charges.

If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.

Name of Creditor	Collateral	Current installment payment (including escrow)	Amount of arrearage, if any	Interest rate on arrearage (if applicable)	Monthly payment on arrearage, if any
SN SERVICING CORP	112 CAMPBELL PLACE La Vergne, TN 37086 Rutherford County INCLUDES HOME, LOT AND DETACHED GARGAGE. DEBTOR OWNS 1/2 INTEREST IN PROPERTY PURSUANT TO DIVORCE DECREE IN 2013 GIVING 1/2 INTEREST TO EX-WIFE. EX-WIFE DIED IN 2020 YEAR LEAVING CHILDREN 1/2 INTEREST	CLASS 4 \$659.15	Prepetition THRU 12/2020 \$24,000.00	0.00%	CLASS 5 PRO RATA

Gap payments:

Last month in gap:

Insert additional claims as needed.

3.2 Request for valuation of security and claim modification. *Check one.*

☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506. *Check one.*

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien avoidance. *Check one.*

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral. *Check one.*

☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

Part 4: Treatment of Priority Claims (including Attorney's Fees and Domestic Support Obligations)

4.1 Attorney's fees.

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$3,750.00**. The remaining fees and any additional fees that may be awarded shall be paid through the trustee as specified below. Check one.

☐ The attorney for the debtor(s) shall receive a monthly payment of \$.

☒ The attorney for the debtor(s) shall receive available funds.

4.2 Domestic support obligations.

(a) Pre- and postpetition domestic support obligations to be paid in full. Check one.

☒ **None.** If "None" is checked, the rest of § 4.2(a) need not be completed or reproduced.

(b) Domestic support obligations assigned or owed to a governmental unit and paid less than full amount. Check one.

☒ **None.** If "None" is checked, the rest of § 4.2(b) need not be completed or reproduced.

4.3 Other priority claims. Check one.

☒ **None.** If "None" is checked, the rest of § 4.3 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims and Postpetition Claims**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

☐ The sum of \$

☒ **20** % of the total amount of these claims.

☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

5.2 Interest on allowed nonpriority unsecured claims not separately classified. Check one.

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

5.4 Separately classified nonpriority unsecured claims. Check one.

☒ **None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

5.5 Postpetition claims allowed under 11 U.S.C. § 1305.

Claims allowed under 11 U.S.C. § 1305 will be paid in full through the trustee.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Part 7: Order of Distribution of Available Funds by Trustee

7.1 The trustee will make monthly disbursements of available funds in the order specified. Check one.☐ **Regular order of distribution:**☒ **Alternative order of distribution:**

1. FILING FEES

2. NOTICE FEES

TRUSTEE'S COMMISSION (4.2) PURSUANT TO 28 U.S.C. § 586 (e) AND 11 U.S.C.

§1326 (b) (2).

3. ATTORNEY'S FEES PAID AT ALL AVAILABLE FUNDS, (\$400 TO BE PAID AT END OF PLAN) TOTAL \$3750.

4.. SECURED CLAIMS AND MORTGAGE WITH FIXED MONTHLY PAYMENTS (3.4 &

3.2)

5.. ARREARAGES CURED THROUGH THE PLAN PRORATA (IF APPLICABLE)

6.. GENERAL UNSECURED CLAIMS (5.1)

7.. CLAIMS ALLOWED PURSUANT TO § 1305

Part 8: Vesting of Property of the Estate**8.1 Property of the estate will vest in the debtor(s) upon discharge or closing of the case, whichever occurs earlier, unless an alternative vesting date is selected below. Check the applicable box to select an alternative vesting date:***Check the applicable box:*☐ plan confirmation.☐ other: _____**Part 9: Nonstandard Plan Provisions**☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.**DEBTOR MOVES THE COURT TO ALLOW HIM TO PAY HIS ATTORNEY FEES THROUGH THE PLAN AT ALL AVAILABLE FUNDS, \$400 AT END OF PLAN FOR TOTAL OF \$3750.**

These plan provisions will be effective only if the applicable box in Part 1 of this plan is checked.

Mortgage(s) provision: Trustee shall be allowed to increase mortgage payments during the pendency of the bankruptcy pursuant to 11 USC 1329 upon the mortgage lender supplying sufficient notice.**CONFIRMATION OF THIS PLAN IMPOSES UPON ANY CLAIMHOLDER TREATED UNDER 3.1 AND, HOLDING AS COLLATERAL, THE RESIDENCE OF THE DEBTOR(S), THE OBLIGATION TO: (i) APPLY THE PAYMENTS RECEIVED FROM THE TRUSTEE ON PRE-CONFIRMATION ARREARAGES ONLY TO SUCH ARREARAGES. FOR PURPOSES OF THE PLAN, THE "PRE-CONFIRMATION" ARREARS SHALL INCLUDE ALL SUMS DESIGNATED AS PRE-PETITION ARREARS IN THE ALLOWED PROOF OF CLAIM PLUS ANY POST-PETITION PRE-CONFIRMATION PAYMENTS DUE UNDER THE UNDERLYING MORTGAGE DEBT NOT SPECIFIED IN THE ALLOWED PROOF OF CLAIM. (ii) DEEM THE MORTGAGE OBLIGATION AS CURRENT AT CONFIRMATION SUCH THAT FUTURE PAYMENTS, IF MADE PURSUANT TO THE PLAN, SHALL NOT BE SUBJECT TO LATE FEES, PENALTIES OR OTHER CHARGES.****THE TRUSTEE MAY ADJUST THE POST-PETITION REGULAR PAYMENTS NOTED ABOVE AND PAYMENTS TO THE PLAN IN PART 3 UPON FILING NOTICE OF SUCH ADJUSTMENT TO DEBTOR, DEBTOR'S ATTORNEY, CREDITOR, AND THE U.S. TRUSTEE WHERE, AND TO THE EXTENT THE UNDERLYING CONTRACT PROVIDES FOR MODIFICATION.****THE TRUSTEE IS AUTHORIZED TO PAY ANY POST-PETITION FEES, EXPENSES, AND CHARGES, NOTICE OF WHICH IS FILED PURSUANT TO RULE 3002.1, F.R.B.P. AND AS TO WHICH NO OBJECTION IS RAISED, AT THE SAME DISBURSEMENT LEVEL AS THE ARREARS CLAIM NOTED ABOVE.****9.01 Adequate Protection Payments.** Prior to confirmation the Trustee shall pay on account of allowed secured claims as specified in § 5.02(a), (b) and (c) adequate protection payments as required by § 1326(a)(1)(C) commencing the month after the petition is filed provided that a Proof of Claim has been filed. Adequate protection payments shall be disbursed by the Trustee in the customary disbursement cycle beginning the month after the petition is filed.**9.02 Vesting of Property.** All property of the estate remains property of the estate notwithstanding confirmation and shall not revert in the Debtor(s) until dismissal or discharge.**9.03 Duties of the Debtor(s).** In addition to the duties imposed by the Bankruptcy Code, Bankruptcy Rules and Local Bankruptcy Rules, this plan imposes the following additional duties on the Debtor(s):**(a) That** any property of the estate with a value of \$1,000 or more without first obtaining court authorization. Except as provided in § 364

and § 1304, Debtor(s) shall not incur new debt without first obtaining court authorization or obtaining Trustee consent pursuant to § 1305.

(b) Insurance. Debtor(s) shall maintain insurance protecting all property of the estate to the extent of any value in excess of the liens and exemptions on such property.**9.04 Effective Date of the Plan.** The date the confirmation order is entered shall be the Effective Date of the Plan.

9.05 Preservation and Retention of Causes of Action. Trustee and/or Debtor(s) retain the right to pursue any causes of action for the benefit of the Debtor(s) and/or the estate.

9.06 Provisions Relating to Claims Secured by Real Property Treated Pursuant to § 1322(b)(5). (IF APPLICABLE)

Part 10: Signatures:

X	<u>/s/ JAMES M. GEORGE</u> <u>JAMES M. GEORGE 011822</u> Signature of Attorney for Debtor(s)	Date	<u>December 17, 2020</u>
X	<u>/s/ BARRY DRAPER OAKLEY</u> <u>BARRY DRAPER OAKLEY</u>	Date	<u>December 17, 2020</u>
X	_____	Date	_____

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

By filing this document, the Attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the form required under the Local Rules for the Bankruptcy Court for the Middle District of Tennessee, other than any nonstandard provisions included in Part 9.